

REMARKS

A. GENERALLY

Applicant thanks Examiner Ryan Jakovac for extending the courtesy of a telephone interview to Applicant on April 19, 2010 and again on April 23, 2010. Applicant's summary of the interview is attached hereto.

Claims 36-59 remain in the Application. Claims 36, 37, 39-42, 47, 48, 50-53, 58 and 59 have been amended without prejudice. Claims 1-35 were previously canceled. No new matter has been added.

A request for continued examination has been filed concurrently with this response.

B. REJECTIONS UNDER §103(a)

Claims 36-42 and 47-53 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2007/0214083 filed by Jones et al. (hereinafter, "Jones '083") in view of U.S. Patent Application Publication 2003/0182420 filed by Jones et al. (hereinafter, "Jones '420"). Claims 43-46 and 54-59 have been rejected as being unpatentable over Jones '083 in view of Jones '420 and in further view of U.S. Patent Application Publication 2004/0111519 filed by Fu et al. (hereinafter, "Fu").

Independent claims 36 (as amended) and 47 (as amended) recite the closed language "consisting essentially of." Because of the closed language recited in the preambles of the independent claims, the claim language is open only for the inclusion of steps or functional elements that do not materially affect the basic and novel characteristics of the claimed method or apparatus. (See, MPEP §2111.03.) Applicant respectfully submits that the disclosures of the cited references must be applied as a whole to the claims as currently listed. The cited references require various functions and various elements to perform their required functions, which functions and elements are not recited in the independent claims as currently listed. At least for this reason, the independent claims are allowable over the cited prior art.

Fu is not cited as curing the deficiencies of the combination of Jones '083 and Jones '420 when applied to the claims as currently listed.

Thus, the claims which depend from independent claims 36 and 47 as currently listed are patentable over the cited prior art at least by virtue of being dependent from an allowable independent claim.

D. CONCLUSION

Applicant respectfully submits that the claims as currently listed are in condition for allowance. Applicant requests that this response be entered and that the current rejections of the claims now pending in this application be withdrawn in view of the above amendments, remarks and arguments.

Respectfully submitted,

/Elliott D. Light/

Elliott D. Light, J.D.
Registration No. 51,948
Jon L. Roberts, Ph.D., J.D.
Registration No. 31,293
MARBURY LAW GROUP, PLLC
11800 Sunrise Valley Drive, Suite 1000
Reston, VA 20191-5302
(703) 391-2900